

Exhibit G

STATE OF WISCONSIN

CIRCUIT COURT

TAYLOR COUNTY

In the Interest of
J. DOE, an unborn child, and

ADJOURNED PLEA HEARING

MOTION HEARING

Case Number

14-JC-9

TAMARA M. LOERTSCHER,
d/o/b [REDACTED].

The above-entitled matter came on for **Adjourned
Plea Hearing and Motion Hearing** in Circuit Court for Taylor
County at the Courthouse in the City of Medford, Wisconsin,
on the 4th day of September, 2014, commencing at 1:26
o'clock p.m., with the Honorable Douglas T. Fox, Circuit
Judge, presiding.

APPEARANCES:

Courtney L. Graff, Taylor County Corporation
Counsel, appeared on behalf of Taylor County.

Julie Clarkson, Social Worker, and Liza
Daleiden, Deputy Director, Taylor County Human
Services Department, were present.

Tamara Loertscher appeared in person, acting
in her own behalf.

Michael D. Shiffler, JENSEN, SCOTT, GRUNEWALD &
SHIFFLER, S.C., Attorneys at Law, P.O. Box 426,
Medford, Wisconsin, appeared as Guardian ad
Litem on behalf of the unborn child.

Dondi Ellner, alleged father, was present.

Marge and Lucille Loertscher and Robert
Hendricks were also present.

WHEREUPON, THE FOLLOWING PROCEEDINGS WERE HELD
AND TESTIMONY TAKEN:

I N D E X

<u>EXAMINATION OF JULIE CLARKSON</u>	<u>PAGE</u>
By Mr. Shiffler	14-16
<u>EXAMINATION OF TAMARA M. LOERTSCHER</u>	
By the Court	17-19
By Mr. Shiffler	19-21

E X H I B I T S

<u>EXHIBIT NUMBER</u>	<u>DESCRIPTION</u>	<u>I.D.</u> <u>OFF'D</u> <u>REC'D</u>
Exhibit No. 1	Eau Claire Hospital medical report	
Exhibit No. 2	Eau Claire Hospital medical report	
Exhibit No. 3	Eau Claire Hospital Discharge Summary	

1 MS. GRAFF: This is *In the Interest of J.*
2 *Doe, an unborn child, and Tamara Loertscher.*

3 Is that correct? Is that how you say it?

4 It is T-a-m-a-r-a. Loertscher is
5 L-o-e-r-t-s-c-h-e-r.

6 Taylor County case 14-JC-9. Appearing on
7 behalf of the County is Corporation Counsel Courtney Graff.
8 Sitting next to me from Human Services is Julie Clarkson.
9 Also present from Human Services is Liza Daleiden. That's
10 D-a-l-e-i-d-e-n. Guardian ad Litem Mike Shiffler appears.
11 Tamara Loertscher is here in person without counsel.

12 MR. ELLNER: I am acting counsel.

13 MS. GRAFF: Acting -- also present is
14 alleged father --

15 And can you state your name, please?

16 MR. ELLNER: Dondi Ellner. D-o-n-d-i
17 E-l-l-n-e-r.

18 MS. GRAFF: And also present in the
19 courtroom --

20 Could you please state your name clearly
21 and spell your last name for the court reporter.

22 MS. MARGE LOERTSCHER: I am Tammy's mom,
23 Marge Loertscher. L-o-e-r-t-s-c-h-e-r.

24 MS. LUCILLE LOERTSCHER: I am Lucille
25 Loertscher Tammy's grandma. L-o-e-r-t-s-c-h-e-r.

1 MR. HENDRICKS: Robert Hendricks.
2 H-e-n-d-r-i-c-k-s. I am Tammy's mother's boyfriend.

3 MS. GRAFF: Thank you.

4 This is the time and place set for an
5 adjourned plea hearing in a CHIPS case. Petition was filed
6 on August 5th. A hearing on a TPC request was heard and
7 ordered on August 5th. The original plea hearing was held
8 on August 25th when Ms. Loertscher requested a substitute
9 judge.

10 THE COURT: And Ms. Loertscher is not
11 represented by counsel?

12 MS. GRAFF: That is correct.

13 MR. ELLNER: We did not have time to get
14 counsel here because we got our order at 7:30 on Friday
15 night before a holiday weekend and it is set for today.
16 So --

17 MS. GRAFF: Excuse me, Judge. If I may be
18 heard about the presence of a couple people in the
19 courtroom.

20 THE COURT: Yeah.

21 MS. GRAFF: Ellner; correct?

22 MR. ELLNER: Uh-huh.

23 MS. GRAFF: Mr. Ellner is the alleged
24 father, but he is not a party to this action. We would not
25 have jurisdiction over him to order any conditions. So I

1 would ask that this be a true closed hearing and that
2 everyone be asked to sit outside.

3 THE COURT: Why?

4 MS. TAMARA LOERTSCHER: I object to that.
5 No.

6 MR. ELLNER: Shh.

7 THE COURT: Excuse me. Ma'am --

8 MS. TAMARA LOERTSCHER: Sorry.

9 THE COURT: -- I will call on you and give
10 you a chance to talk, but don't interrupt when people are
11 talking, please.

12 Why do you want people outside?

13 MS. GRAFF: As this is our first appearance
14 and the judge -- last time there were some interruptions.
15 And I assume I am about to lodge an objection about someone
16 not licensed to practice law asserting themselves as a
17 lawyer.

18 THE COURT: There will be no further
19 interruptions. The spectators need to spectate and nothing
20 further. I don't expect anything from the spectators.

21 Mr. Ellner, you are a spectator.

22 MR. ELLNER: Okay.

23 THE COURT: I will let you sit in the
24 courtroom. You are welcome to sit where you are sitting,
25 but you may --

1 MR. ELLNER: Thank you.

2 THE COURT: -- you may not interject in the
3 proceedings. You may not speak on behalf of
4 Ms. Loertscher.

5 How is it pronounced?

6 MS. TAMARA LOERTSCHER: Loertscher.

7 THE COURT: Loertscher. Okay.

8 Ms. Loertscher, you don't have a lawyer.
9 Today is the plea hearing, and I believe the Guardian ad
10 Litem also has a motion scheduled for today. I'm willing
11 to adjourn this plea hearing to a later date if you wish me
12 to do that to give you time to get a lawyer, but if we do
13 that, that stops the time limits from running.

14 Do you understand that?

15 There are time limits for this proceeding,
16 time limits within which various things need to happen. So
17 I'm willing to give you some extra time, but that's also
18 going to toll, or stop, those time limits.

19 What's your pleasure?

20 And I will give you a minute to think about
21 it, because I have some other things to discuss with you.

22 And as to the motion that we close the
23 hearing, no, I decline to do that. I presume these people
24 are here with Ms. Loertscher's consent.

25 Is that right, ma'am?

1 MS. TAMARA LOERTSCHER: Yes.

2 THE COURT: Yeah. And so as long as the
3 spectators do nothing more than spectate, there is no
4 problem with them being here.

5 This, as I indicated, is a plea hearing on
6 the Petition that your unborn child is in need of
7 protection and services. You have certain rights in the
8 proceeding. You have a right to be represented by a
9 lawyer. You have a right to a trial by jury. You have a
10 right to request a different judge, although you have
11 already done that as I understand it, so that right has
12 been used up so to speak. You must exercise those rights
13 before the end of the plea hearing or you give them up.

14 At a trial, if there is a trial in the
15 case, then you have various rights that you may exercise at
16 the trial. Those rights include a right to cross-examine,
17 or question, any witnesses who testify against you; a right
18 to subpoena witnesses, to have the Court order witnesses to
19 come to court to give evidence whether they want to or not;
20 a right to testify in your own behalf, as well as a right
21 not to testify. But because that is civil, not a criminal,
22 proceeding, if a party chooses not testify, that may be
23 considered relevant evidence in the determination of the
24 case.

25 And if you dispute the Petition alleging

1 that your unborn child is a child in need of protection and
2 services, then you have the right to have the County prove
3 that proposition to a reasonable certainty by evidence
4 which is clear, satisfactory, and convincing.

5 Any questions so far?

6 MS. TAMARA LOERTSCHER: Umm, I have a
7 question. We have some --

8 THE COURT: Speak up so I can hear you,
9 though.

10 MS. TAMARA LOERTSCHER: I have a question.
11 We have some paperwork that proves that there is no danger
12 to my unborn child and --

13 THE COURT: I am just asking right now if
14 you have a question about those rights that I explained to
15 you.

16 MS. TAMARA LOERTSCHER: No.

17 THE COURT: Okay. Now, if it is determined
18 that your child is a child in need of protection and
19 services, either because everyone agrees to that at some
20 point or because that's determined at a trial, then the
21 Court will enter a dispositional order. The Court is
22 required to enter the least restrictive order that it can
23 consistent with your rights and the protection of the
24 child.

25 The least restrictive type of order would

1 be to allow you to live in your home subject to whatever
2 supervision and conditions the Court believed appropriate.
3 Conditions can include such things as attending counseling,
4 receiving medical services, drug and alcohol services,
5 whatever was appropriate.

6 The Court can order you placed outside of
7 your home. This could be in the home of an adult relative
8 or a friend, or it could be in a residential treatment
9 facility. The Court can order that you submit to whatever
10 services the Court believes appropriate, including such
11 things as mental health services, drug and alcohol
12 treatment; and the Court could order that you be ordered to
13 enter an inpatient treatment facility.

14 Any question about that range of
15 dispositions?

16 MS. TAMARA LOERTSCHER: No.

17 THE COURT: Okay.

18 So the purpose of the plea hearing today is
19 for you to enter a plea to determine whether you dispute
20 the Petition or not. As I indicated, I'm willing to give
21 you a short period of time to enter your plea if you want
22 to consult with an attorney before you do that.
23 Alternatively, you can enter your plea today and consult
24 with an attorney afterward.

25 What's your pleasure?

1 MS. TAMARA LOERTSCHER: Umm, yeah, I would
2 like to, umm, dispute.

3 THE COURT: Okay. I will -- you want to,
4 in other words, deny the Petition, meaning you dispute the
5 Petition and are asking --

6 MS. TAMARA LOERTSCHER: Yes.

7 THE COURT: -- for a trial?

8 Mr. Shiffler, what's your plea on behalf of
9 the child?

10 MR. SHIFFLER: I admit the allegations in
11 the Petition, your Honor.

12 THE COURT: Okay. Then the matter will be
13 set for trial.

14 Now, you had a motion, Mr. Shiffler.

15 MR. SHIFFLER: I did, your Honor. I had a
16 motion for contempt for failure for Ms. Loertscher to
17 comply with the Temporary Placement Order.

18 THE COURT: Okay. And I have read the
19 motion.

20 Ms. Loertscher, looking through the file,
21 it appears that there was an Order entered by Mr. Krug, the
22 Court Commissioner, on August 5, and that Order included
23 that you be placed at a licensed treatment facility and
24 comply with treatment, among other things. Mr. Shiffler
25 has filed a contempt motion, to which he has appended the

1 Affidavit of Liza Daleiden, who says that you didn't comply
2 with that Order.

3 Did you comply?

4 MS. TAMARA LOERTSCHER: Your Honor, I was
5 discharged. We have paperwork here --

6 THE COURT: Okay. Why don't you show me
7 your paperwork.

8 MS. TAMARA LOERTSCHER: -- that I would
9 like you to see. It states that I was discharged by the
10 psychiatrist.

11 THE COURT: Okay. Whatever paperwork
12 you've got, why don't you give it to me.

13 MS. TAMARA LOERTSCHER: These are my labs,
14 the initial labs that show I was negative.

15 THE COURT: I want to see the discharge
16 paperwork.

17 MS. TAMARA LOERTSCHER: Okay. We're
18 finding that here too.

19 THE COURT: This should probably be marked
20 as an exhibit too.

21 Mr. Shiffler and Ms. Graff, have you had a
22 chance to look at these documents? If not, would you like
23 a chance?

24 MR. SHIFFLER: I would like just to take a
25 look at them, your Honor. I haven't had a chance.

1 THE COURT: Okay. Here they are.

2 MS. TAMARA LOERTSCHER: Your Honor, am I
3 able to say something?

4 THE COURT: Let's give Mr. Shiffler a
5 minute to look at your documents first.

6 MS. TAMARA LOERTSCHER: Okay.

7 THE COURT: Okay. Go ahead.

8 MS. TAMARA LOERTSCHER: Okay. In one of
9 the reports that we have, Ms. Julie --

10 THE COURT: Don't bother speaking into that
11 microphone. It doesn't amplify your voice. Speak up nice
12 and loud.

13 MS. TAMARA LOERTSCHER: Okay. In one of
14 the reports it actually states that Julie from Human
15 Services had questions about the legal paperwork that was
16 given by the courts that her and the social worker were
17 talking about, and she never got back to him in the reports
18 that we have. None of the paperwork that we were issued
19 has a notary stamp on it.

20 THE COURT: Well, let's set aside those
21 concerns for the moment. I'm satisfied that the Order that
22 Mr. Krug entered is a valid order and that you are required
23 to follow it. The question right now is did you follow it
24 and if you did not was your failure to do so willful and
25 intentional. So why don't you hold your thoughts for a

1 minute. Mr. Shiffler has now had a chance to look at your
2 paperwork.

3 MR. SHIFFLER: Your Honor, I don't believe
4 the paperwork addresses the issue of contempt. In some of
5 the discharge notes -- I believe it is from an entry on
6 August 7 -- it even acknowledges that, you know, the
7 hospital in Eau Claire doesn't have grounds to hold her so
8 she is being discharged, but it is in violation of the
9 court order. So I think the paperwork she is submitting is
10 actually supportive of the motion for contempt.

11 THE COURT: Well, why don't you point out
12 that language to me. I did not look over those papers
13 carefully. The part that I looked at was a Discharge
14 Summary that said Ms. Loertscher indicated to the treatment
15 provider that she didn't feel she needed their services and
16 was ready for discharge and they discharged her.

17 MR. SHIFFLER: Umm, it is on page -- it is
18 marked as page 32 of 156 under "Progress Notes," August 7,
19 2014, by Jarred Duellman, social worker.

20 THE COURT: Spell names when you come
21 across them.

22 MR. SHIFFLER: First name J-a-r-r-e-d.
23 Last name D-u-e-l-l-m-a-n.

24 And it is the first paragraph.

25 THE COURT: Okay. So, in any event, we

1 have a dispute as to whether Ms. Loertscher has violated
2 the Order or not, so let's take some testimony.

3 Go ahead.

4 MR. SHIFFLER: I call Julie Clarkson, your
5 Honor.

6 JULIE CLARKSON,
7 called as a witness in the above-entitled matter, first
8 having been duly sworn to tell the truth, the whole truth,
9 and nothing but the truth, on her oath, testified as
follows:

10 EXAMINATION BY MR. SHIFFLER:

11 Q Could you please state your name and spell your last name.

12 A Julie Clarkson. C-l-a-r-k-s-o-n.

13 Q And where do you work, Ms. Clarkson?

14 A I work at Taylor County Human Services in the Children and
15 Families Unit.

16 Q And how long have you been there?

17 A Umm, I've worked there approximately 14 years.

18 Q And what's your position within Human Services?

19 A I'm currently a child protective services social worker.

20 Q Okay. And do you know Tamara Loertscher?

21 A Yes.

22 Q And is Ms. Loertscher the subject of a Chapter 48 action?

23 A Yes, she is.

24 THE COURT: Well, we know she is. That's
25 why we're here.

1 MR. SHIFFLER: Okay.

2 THE COURT: Get to the point.

3 MR. SHIFFLER:

4 Q Was there a temporary physical custody hearing held on
5 August 5th --

6 A Yes.

7 Q -- 2014?

8 THE COURT: And I know that as well. I've
9 got the Order --

10 MR. SHIFFLER: Okay.

11 THE COURT: -- in the file.

12 MR. SHIFFLER:

13 Q And after the -- after the hearing -- where was
14 Ms. Loertscher at the time of the hearing?

15 A She was at Luther Hospital.

16 Q And when she was discharged from Luther Hospital, was she
17 discharged to a treatment facility as the Order required?

18 A Umm, it is my understanding that Ms. Loertscher left the
19 hospital. I don't know the location that she went to when
20 she left. She did not go to the treatment facility that
21 was arranged.

22 Q And what was the treatment facility that was arranged?

23 A The agency had arranged for her to go to the Fahrman
24 Center. F-a-h-r-m-a-n.

25 Q And did the Fahrman Center have any tests that

1 Ms. Loertscher would be required to take before she could
2 be admitted there?

3 A Yes, they did. She was required to complete a TB test
4 prior to admission.

5 Q And are you aware, did she refuse to take a TB test?

6 A She did. Luther Hospital had asked her several times to
7 take a TB test. She refused to do that.

8 Q Has your agency attempted to contact Ms. Loertscher both
9 while she was in the Luther Hospital and since she has been
10 discharged?

11 A Yes.

12 Q Has she responded to your attempts to contact her?

13 A No, she has not.

14 Q Has she cooperated with your agency?

15 A No, she has not.

16 MR. SHIFFLER: I have no further questions,
17 your Honor.

18 THE COURT: Ms. Loertscher --

19 First of all, are you just on the sidelines
20 on this motion or --

21 MS. GRAFF: On this motion. This is
22 Mr. Shiffler's motion, correct.

23 THE COURT: Ms. Loertscher, did you have
24 questions of Ms. Clarkson?

25 MS. TAMARA LOERTSCHER: Umm, no questions

1 for her, but I would like to interject some of the things
2 that were said.

3 THE COURT: Sure. I am going to give you a
4 chance to testify.

5 You may step down.

6 Did you have other witnesses?

7 MR. SHIFFLER: No, your Honor.

8 THE COURT: Then if you wish to testify,
9 ma'am, step up here and be sworn.

10 TAMARA M. LOERTSCHER,
11 called as a witness in the above-entitled matter, first
12 having been duly sworn to tell the truth, the whole truth,
13 and nothing but the truth, on her oath, testified as
14 follows:

14 EXAMINATION BY THE COURT:

15 Q Begin by stating your name and address --

16 A My name is --

17 Q -- speaking up nice and loud.

18 A My name is Tamara Loertscher. Umm --

19 Q Where do you live?

20 A [REDACTED] in Medford, Wisconsin.

21 Q Okay. Go ahead.

22 A Okay. The TB test that I was asked to give, I did not
23 decline it. I said that I would take the old TB test.
24 They wanted to take blood from me for the TB test. So I
25 would like to say that I would have went -- I would have

1 given them the TB test but --

2 Q What was your concern about the type of --

3 A Well --

4 Q -- about the type of TB test they wished to give you?

5 A Well, I just -- I didn't feel like I needed to go.

6 Q I'm sorry. "I didn't feel . . ."

7 A I don't feel like I need treatment. Like I feel like I
8 went to the hospital and sought treatment and then they
9 violated my rights and all these people got this
10 information that I feel they shouldn't have gotten. And I
11 feel my whole stay there was made worse. Umm --

12 Q Well, I am still not understanding what that had to do with
13 the type of TB test that the hospital wanted to take.

14 A Well, I just wanted to state that I did not decline the TB
15 test.

16 Q Okay.

17 A I work in health care, and there is a normal way to take it
18 and then this new way that they are saying that they were
19 trying to take from me. And I did not decline the TB test,
20 just the drawing of the blood the new way.

21 Q Okay.

22 A And then I would like to state that I was discharged by the
23 physician into the care of my mother and her boyfriend and
24 the Order did not call for me to be held there. I left the
25 facility under their care.

1 Q You understood, however, I gather, because you participated
2 in the hearing at which the Order was issued, that there
3 was an Order requiring that you enter a treatment facility
4 to be determined by the Taylor County Department of Human
5 Services once you were discharged from the hospital.

6 A Umm, but it stated -- it did state to me that I could be
7 discharged by the physician's order.

8 Q Discharged from the hospital you are talking about;
9 correct?

10 A And into the care of my mother.

11 Q Well, you say you understand that's what Mr. Krug's Order
12 indicated, that you could be discharged from the hospital
13 into the care of your mother?

14 A Umm, that's what reports that I have --

15 Q Okay.

16 A -- that have been given that stated that I could leave
17 under those circumstances.

18 Q All right. Anything else that you want to tell me?

19 A Umm --

20 THE COURT: Apparently not.

21 Mr. Shiffler, questions.

22 MR. SHIFFLER: Just a couple questions,
23 your Honor.

24 EXAMINATION BY MR. SHIFFLER:

25 Q Ms. Loertscher, you testified that you didn't receive a

1 copy of the Order prior to your --

2 THE COURT: Excuse me.

3 Mr. Ellner, I'm going to --

4 MR. ELLNER: Sorry.

5 THE COURT: -- have you leave the courtroom
6 if I catch you doing that again.

7 MR. ELLNER: Sorry.

8 THE COURT: You are able to sit here and
9 watch the proceedings, but you are not able to mouth
10 instructions to Ms. Loertscher.

11 MR. ELLNER: Sorry, your Honor.

12 THE COURT: Go ahead.

13 MR. SHIFFLER:

14 Q Ms. Loertscher, you testified that you didn't receive a
15 copy of the Order prior to your discharge from the
16 hospital. Have you received a copy of the Order before
17 today? Have you had a chance to read Mr. Krug's Order?

18 A I've read the allegations in the Order, yes.

19 Q And you've failed to cooperate with Taylor County Human
20 Services?

21 A Well, I would like to say, umm, my -- the labs also --like
22 if that comes into -- I mean they say it's negative. If
23 you look at the lab reports for everything that was tested,
24 it shows negative. So --

25 Q But to my question, you've failed to cooperate with Human

1 Services? When they've asked to meet with you, you've
2 declined?

3 A Well, I just got a letter in the mail after the last court
4 date. That was the first contact that I've had wanting to
5 meet with Julie. Umm --

6 Q And you haven't met with her?

7 A No, 'cuz then all of a sudden I'm issued another warrant,
8 and they tried to arrest me at my home again. So I didn't
9 have time to do much of anything.

10 Q And you've failed to go to a treatment facility to be
11 evaluated as to whether or not you have a --

12 A I don't believe --

13 Q -- a drug addiction?

14 A I don't believe I need to because I don't have a problem.

15 MR. SHIFFLER: Okay. I have no further
16 questions, your Honor.

17 THE COURT: Anything else that you want to
18 tell me?

19 THE WITNESS: Just that we have, you know,
20 the reports and the evidence there that states that I left
21 under my own will and the doctors -- the doctor released me
22 into the care of my parents and the lab reports that show
23 that everything that they are accusing me of are negative.

24 THE COURT: Okay. All right. You may step
25 down.

1 Mr. Shiffler.

2 MR. SHIFFLER: Your Honor, it's my position
3 that there is -- that there is contempt here, that the
4 Order was clear. Ms. Loertscher willingly violated it by
5 failing to go to the treatment facility, failing to
6 cooperate with Human Services. Umm, the Court required her
7 to do these things. The Court didn't give her the
8 discretion to choose whether she thought it was necessary.
9 It was a court order.

10 I'm requesting that she be held in contempt
11 and that she be allowed to purge the contempt by submitting
12 to a TB test and complying with the other prerequisites for
13 her admission to a licensed treatment facility and then she
14 commence her placement at a treatment facility,
15 specifically the Fahrman Center in Eau Claire, and that she
16 cooperate with the Taylor County Human Services and sign
17 all releases requested by Human Services that are necessary
18 to facilitate treatment and otherwise comply with the
19 Temporary Physical Custody Order or, alternatively, that
20 one or more of the remedial sanctions provided for under
21 Wis. Stat. sec. 785.04 be imposed on her.

22 Now, if the Court finds her in contempt,
23 I'll defer to the discretion of the Court as to what
24 sanctions would be appropriate.

25 THE COURT: Okay. Ms. Loertscher, before I

1 invite your comments, just let me explain to you a bit
2 about the procedure so that you understand what the issues
3 are here today.

4 The Court issued the Temporary Placement
5 Order that we're dealing with today, Mr. Krug's Order of, I
6 think it was, August 5 that required, among other things,
7 that you be placed at a licensed treatment facility to be
8 determined by the Department. They, apparently, determined
9 that this Fahrman facility was the appropriate one. And
10 Mr. Shiffler is arguing that you are in contempt of that
11 Order. "Contempt" means the willful violation of a court
12 order without any lawful excuse.

13 Mr. Shiffler says you did violate it and
14 that you have no lawful excuse and that I ought to hold you
15 in contempt. And the way contempt works, this type of
16 contempt, is if I find you in contempt then I would impose
17 a sanction. It could be a monetary sanction. It could be
18 sending you to jail. But that I allow you to purge that
19 contempt, meaning to get out from under that sanction, by
20 doing what I tell you to do. Mr. Shiffler is suggesting
21 that I tell you to do what the Order says you are to do.

22 So, anyway, that's the issues. Now I
23 invite your comments in response to Mr. Shiffler's
24 comments.

25 MS. TAMARA LOERTSCHER: I just don't feel

1 like there is any contempt because I -- you know, I -- I
2 don't even know what to say. Like there is just no
3 contempt because I want to be a good mom and I am a good
4 mom and I don't have a problem.

5 THE COURT: Well, the question isn't
6 whether you have a problem or, for that matter, whether you
7 are a good mom or not. The question is whether you
8 violated the Order and whether you had a reason for doing
9 so.

10 I understood from some of the comments that
11 you made while you were on the witness stand that you did
12 not feel it necessary to go to this treatment facility
13 because you don't feel that you have a problem.

14 Right?

15 MS. TAMARA LOERTSCHER: Yeah. I felt like
16 I was treated very terribly and --

17 THE COURT: Well, the problem with that
18 logic is when a court orders you to do something you have
19 to do it or you have to get the Order changed. You can't
20 determine that you don't like the Order or you think the
21 Order is wrong or that you choose not to follow the Order.
22 You need to follow court orders or you need to get them
23 changed or you need to appeal them. You need to do
24 something other than ignore the Order. And it sounds to me
25 that you've -- you chose in this case to ignore the Order

1 that you enter a treatment facility to be selected by the
2 Department and that you cooperate with the Department.

3 You may disagree with that. It might be a
4 good order, it might be a bad order, but it's the Court's
5 order; and unless and until that Order is changed, you need
6 to obey it; and if you don't, then unpleasant things
7 happen.

8 I often tell people I don't have the power
9 to make a person obey an order; I only have the power to
10 make them wish they had. And that's an honest statement.
11 I can't make you obey that Order. I can't have the
12 deputies hog-tie you and take you to that treatment center.
13 That's a decision that you'll have to make. But I can
14 punish you if you decide not to obey that Order, and I will
15 do so because I'm going to enforce that Order.

16 So I do find that this Court, in the person
17 of Court Commissioner Krug, entered an order on August 5,
18 2014, which provided, among other things, that
19 Ms. Loertscher upon her discharge from the hospital -- I
20 understand she was then at Luther Hospital -- that
21 Ms. Loertscher be placed at a licensed treatment facility
22 until the program directors deem it appropriate to release
23 her, that she comply with that facility's assessment and
24 treatment recommendations, and that upon discharge she
25 continue to comply with treatment recommendations,

1 including complete sobriety, random urinalysis, and that
2 she cooperate with Taylor County Department of Human
3 Services, as well as some other things.

4 It appears that Ms. Loertscher did not obey
5 that Order, that she refused to take a TB test. She says,
6 I didn't refuse it, I just refused the one they were
7 wanting me to take. Well, that's not a -- that's not a
8 defense.

9 If the medical provider is wanting to
10 provide that TB test in whatever form they deem
11 appropriate, you have to cooperate with that. That's
12 consistent with the Court's Order.

13 And, in any event, that she did not enter
14 the Fahrman facility, which is the treatment facility that
15 the Department determined was the appropriate one, and
16 further, that she has failed to cooperate with the
17 Department of Human Services. So, that's a violation of
18 the Order.

19 Ms. Loertscher has offered as her rationale
20 the fact that she disagrees with the Order, feels the Order
21 is ill-considered and unnecessary. Those may all be
22 legitimate opinions for her to hold, but they constitute no
23 legitimate excuse for failing to abide by the Court's
24 Order. Thus, I find her failure to obey the Order to be
25 contemptuous and without any legal justification. I,

1 therefore, find her in contempt.

2 Now, I'm going to order that you be
3 committed to the Taylor County Jail for a period of 30
4 days, but I'm going to stay that Order. I'm not going to
5 send you to jail now. I'm going to stay the Order and
6 allow you to purge that Order by obeying the August 5 Order
7 of Mr. Krug. And that means immediately at the conclusion
8 of this hearing in consultation with Ms. Clarkson or such
9 other agents of Taylor County Department of Human
10 Services --

11 Mr. Ellner -- Mr. Ellner, you, too, may
12 disagree with my Order, but I don't want you to sit there
13 shaking your head and acting disrespectfully because there
14 is another form of contempt that I have at my disposal
15 which is different than the remedial contempt that I'm
16 dealing with now and I will resort to that if I need to if
17 you continue that behavior.

18 Any questions?

19 MR. ELLNER: No.

20 THE COURT: Okay.

21 Now, as I was saying, Ms. Loertscher, you
22 need to consult with Ms. Clarkson at the conclusion of this
23 hearing and cooperate with her in respect to your admission
24 into the Fahrman facility. You need to cooperate with
25 them. It may well be that you don't have any treatment

1 needs, but you need to cooperate with them to find that
2 out. You need to undergo an assessment, and you need to
3 follow their recommendations.

4 If they agree with you that you have no
5 treatment needs or no treatment needs in their facility,
6 then they can discharge you to your home with whatever
7 discharge recommendations they have. You'll still be under
8 obligation to follow those recommendations, if they are
9 making recommendations to you. But you need to cooperate
10 with that and submit to that assessment and follow through
11 with treatment, and you need to cooperate with the Taylor
12 County Department of Human Services.

13 Okay?

14 MR. ELLNER: Your Honor, could I speak?

15 THE COURT: No.

16 MR. ELLNER: No?

17 THE COURT: Do you have any questions?

18 MS. TAMARA LOERTSCHER: (Shook head.)

19 THE COURT: All right. We are adjourned.

20 Mr. Shiffler, you will prepare an Order,
21 please.

22 (WHICH CONCLUDED THE PROCEEDINGS AT 2:05
23 O'CLOCK P.M.)

1 I, Alis A. Fox, Official Court Reporter for Price
2 County, Wisconsin, do hereby certify that I took in
3 shorthand the proceedings in the above-entitled matter at
4 the Courthouse in the City of Medford, Wisconsin, on the
5 4th day of September, 2014, commencing at 1:26 o'clock
6 p.m., and that the foregoing is a true and correct
7 transcript of my shorthand notes and of the whole thereof.

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10 Alis A. Fox
11 Court Reporter
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